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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,865	11/24/2003	William P. Camp JR.	03-03-us	5679

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EXAMINER

CASTELLANO, STEPHEN J

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/720,865

Applicant(s)

CAMP, WILLIAM P.

Examiner

Stephen J. Castellano

Art Unit

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11-24-03.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

Art Unit: 3727

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 8-10 and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Dooley et al. (Dooley).

Re claims 1 and 10, Dooley discloses an insulated container comprising a container body (60) a lid (48) and an insulated liner (62 or 64) configured to be removable and reusable and fits substantially within the container body wherein the liner is manufactured from a rigid material.

Re claims 3, 8 and 10, the insulating layer (62) has an insulated partition (sloped section 66 which consists of a top wall and two walls which extend downwardly from the top wall) separating the insulating layer into two compartments or coupling cavities. The liner 64 has a channel fitting over the insulating partition and a lip at the upper edge.

Re claims 17-19, the liner is inner shell 64.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ragland.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dooley.

Re claim 4, Dooley discloses the invention except for the polystyrene foam material.

Official notice is taken that polystyrene foam is well known for use in containers. It would have been obvious to modify the insulating material to be polystyrene foam to provide a lightweight, low cost and highly insulative material that can be quickly and easily molded to any desired shape.

Claims 5, 11, 13-16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dooley in view of Shook.

Re claims 5 and 20, Dooley discloses the invention except for the latch. Shook teaches a liner latch (col. 3, lines 23-28). It would have been obvious to provide a liner latch to secure the liner to prevent inadvertent separation and loss of the liner.

Re claim 11, Dooley discloses the invention except for the recess on the underside of the lid. Shook teaches a recess. It would have been obvious to add an underside recess to the lid to provide space for storage of objects that fit above the top edge of the container body.

Re claims 13-16, Dooley discloses the invention except for the shape and size of the cavities. The shape of circular or cylindrical cross section for a liner cavity is shown by Shook. It would have been obvious to modify the shape and size of the cavities to conform to the shape and size of containers to be held therein so that the cavities seat against the containers as taught in lines 4 and 5 of col. 4 of Shook. Official notice is taken that it is well known to provide a cavity or cavities having three different diameter portions. It would have been obvious to add different diameter portions to a cavity to provide engagement with containers having different exterior dimensions.

Claims 5-7 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dooley in view of Lytle or Spoeth, Jr. (Spoeth).

Dooley discloses the invention except for the liner with flexible arm and hook and the slot formed in the container body. Lytle teaches a coupling member 22 with portions extending upwardly and outwardly of the triangular bottom faces 34 as shown in Fig. 3 that form a flexible arm and hook received within a slot formed at element 17 (see Fig. 1) in each corner of the body 11. Spoeth teaches a liner with flexible arm and hook which engages an orifice 36 of the container body. It would have been obvious to modify the liner and body to include the latch of Lytle or Spoeth to retain the liner more securely to prevent inadvertent detachment.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dooley in view of Lobl.


Dooley discloses the invention except for the recess on the underside of the lid and the dome portion. Lobl teaches a recess on the underside of the lid and an upper lid surface with a dome portion. It would have been obvious to add an underside recess to the lid to provide space for storage of objects that fit above the top edge of the container body. It would have been obvious to modify the upper surface to have a domed portion to provide a smoothly curved transition from lid side wall to lid top wall to enhance the container's closed appearance to be more aesthetically pleasing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Castellano whose telephone number is 571-272-4535. The examiner can normally be reached on M-Th 6:30-5.

Art Unit: 3727

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Stephen J. Castellano
Primary Examiner
Art Unit 3727

sjc